

Appl. No. 10/089,135  
Amdt. Dated 12/16/2005  
Reply to Office action of October 18, 2005

### REMARKS/ARGUMENTS

This is in response to an Office action dated 10/18/2005.

The undersigned attorney acknowledges a telephone conference with Examiner Johnstone on December 15, 2005. The amendments to the claims and specification incorporate the elements of the discussion.

#### Status

Claims 25, 27-34, 36-38 and 49-56 are pending

Claims 25, 27-34, 36-38 and 49-56 are rejected

### Claim Objections

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 27-34, 36-38, and 50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The preamble "apparatus" of dependent claims 27-34 and 36-38 is no longer consistent with independent claim 25 directed to a patch mounted within a pneumatic tire. Also, claims 27, 28, 36, 38, and 50 do not appear to limit the tire and patch structure of independent claims 25 and 49 (these claims only describe features of the intended electronic tag and do not appear to require any further structure in the claimed tire and patch assembly).

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The preamble of dependent claims 27-34 and 36-38 has been amended to define a patch and are therefore consistent with independent claim 25.

The electronic tag has now been positively claimed in claims 27, 36, 38 50 and 56 and therefore the limitations of claims 27, 28, 36, 38, and 50 now limit the electronic tag structure.

Accordingly, the 35 U.S.C. 112 rejection should be respectfully withdrawn.

#### **Rejection(s) under 35 USC 102**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 25, 27-29, 34, 36-38, 49, 50, 55, and 56 are rejected under 35 U.S.C. 102(e) as being anticipated by Koch et al. (6,030,478).

This reference is applied for the same reasons as set forth in paragraph 9 of the Office action mailed July 1, 2004. As to claims 27, 28, 36, 38, and 50, see paragraph 2 above. As to claims 49, 50, 55, and 56, although claim 49 now requires that the internally threaded member is "extending into" the arcuately-shaped side this language does not distinguish over the Koch et al. tire and patch assembly.

Claims 25 and 49 have been amended to incorporate the limitation that the patch has a second arcuately-shaped convex side. The Koch et al. reference does not teach or suggest this characteristic and therefore the rejection should be withdrawn.

#### **Rejection(s) under 35 U.S.C. 103**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 30-33 and 51-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koch et al. (6,030,478) in view of DE 37 05 617 A1 and EP 0 389 406 A2.

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These references are combined for the same reasons as set forth in paragraph 12 of the Office action mailed July 1, 2004.

Since the independent claims 25 and 49 now incorporate a limitation that is present in the primary reference to Koch, the rejection should be withdrawn.

Claim 25 now includes the limitation that the patch has a second arcuately-shaped convex side. Since Koch et al. reference does not teach or suggest this characteristic, and therefore claim 25 should be allowable.

Claims 27-34 and 36-38 are dependent upon claim 25 and therefore are also allowable.

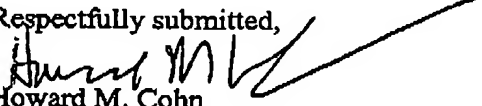
Claim 49 now includes the limitation that the patch has a second arcuately-shaped convex side. Since Koch et al. reference does not teach or suggest this characteristic, and therefore claim 49 should be allowable.

Claims 50-56 are dependent upon claim 49 and therefore are also allowable.

#### Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

  
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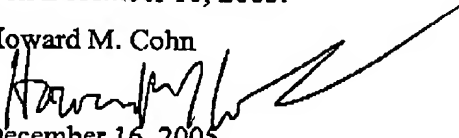
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